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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,793	03/01/2002	Paul Turgeon	044624-15-CIP	1539
20350	7590	03/04/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			BADII, BEHRANG	
		ART UNIT		PAPER NUMBER
				3621

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/086,793	TURGEON, PAUL
	Examiner Behrang Badii	Art Unit 3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 June 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-90 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-90 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 16-33, drawn to a data storage device having a data structure stored thereon, said data storage device for use by an application program, classified in class 707, subclass 200.
- II. Claims 34-39 and 55-60, drawn to a method of transferring data over a network from a user network access device connected to said network to a server connected to said network under control of said server, classified in class 709, subclass 223.
- III. Claims 70-76, drawn to A method of providing a payment service comprising the following steps: providing a data storage device to a user for interacting with a network access device connected to a network; said data storage device having a pair of encrypted ATM network compatible PINS and an primary account number (PAN) stored thereon generating a payment service request including said pair of encrypted ATM network compatible PINs, said PAN and an electronic personal identification number (e-PIN); providing a processor; receiving said payment service request at a location remote from said network access device;

generating a payment service message at said location remote from said network access device by adding an amount, and a payee to said pair of encrypted ATM network compatible PINs, said PAN and said e-PIN; transmitting said payment service message over an ATM network switch to said processor; processing said payment service message at said processor, including the steps of decrypting at least some of said encrypted information and determining if said e-PIN is proper to generate and communicate a message from said processor to said user's bank resulting in debiting of user's bank account electronically substantially in real-time including the step of generating a digital ATM network transaction message containing at least a selected one of said pair of ATM network compatible encrypted user PINs and said amount and applying said message to said ATM network; and authorizing payment to said payee, classified in class 705, subclass 77.

IV. Claim 1-15, 40-54, 61-69 and 77-90, drawn to a method of providing a pay service including the steps of: processing a payment service request having independent identification information and a pair of ATM network compatible PINs, classified in class 705, subclass 72.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a data storage device having a data structure stored thereon. Invention II has separate utility such as transferring data over a network from a user network access device connected to said network to a server connected to said network under control of said server. Invention III has separate utility such as a data storage device having a pair of encrypted ATM network compatible PINS and an primary account number (PAN) stored thereon generating a payment service request including said pair of encrypted ATM network compatible PINs. Invention IV has separate utility such as processing a payment service request having independent identification information and a pair of ATM network compatible PINs. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

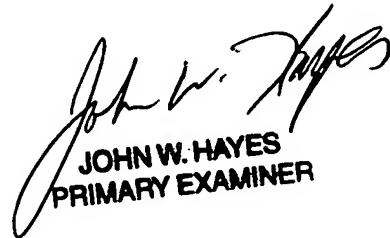
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 703-305-0530. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Behrang Badii
Patent Examiner
Art Unit 3621

BB



JOHN W. HAYES
PRIMARY EXAMINER